

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC. 20554**

In the Matter of)	
)	
Rules and Policies Concerning)	MM Docket No. 01-317
Multiple Ownership of Radio Broadcast)	
Stations in Local Markets)	
)	
)	
Definition of Radio Markets)	MM Docket No. 00-244

To: The Commission

**COMMENTS of Nikolaus E. Leggett
N3NL Amateur Radio Operator**

The following are comments from Nikolaus E. Leggett, an amateur radio operator, inventor, and a certified electronics technician. These comments are on radio broadcasting diversity, ownership caps, and related mechanisms for achieving diversity.

Size Diversity

The Commission has considered diversity as shown by the aspects of viewpoint diversity, outlet diversity, and source diversity. There is another aspect of diversity which is **size diversity**. My colleagues and I have noted that small stations are more open-minded than large stations. The small stations are more likely to take a risk on covering unusual topics or providing programming outside of the mainstream.

This open-mindedness is an important factor for the health of American democracy. The small station allows the minority viewpoints to be presented to the community in the American marketplace of ideas.

The current consolidation of the radio broadcasting industry is driving out this open-mindedness in exchange for a standardized music-box type of programming.

The Commission can structure ownership caps so that the number of small radio stations is increased. The first step is to establish a strict ownership cap that severely limits the ownership of stations within a geographic area. In addition, the definition of a full-power radio station can be changed so that full power is 1000 Watts or less instead of the much higher powers currently allowed. These two steps would greatly increase the number of radio stations available in a given area and increase access for diverse opinions and organizations.

Entry by New Broadcast Stations

The Commission has stated that: “Generally, the good signals were taken many years ago, resulting in little unused capacity that could support new radio station entry.” and “...we believe that entry by new stations is unlikely...” (Federal Communications Commission – FCC 01-329 at page 22). This perceived shortage of spectrum is due to the current broadcasting regulations, not the laws of nature. If the power of the full-power broadcast stations was dramatically reduced, then a large number of new stations could be accommodated in the existing AM and FM broadcast bands. Huge numbers of new stations could be accommodated if their power was reduced to the power of Low Power FM (LPFM) broadcasting stations (100 Watts). Even a more modest reduction of power to 1000 Watts would allow large numbers of new broadcast stations.

Combining Low Power and Ownership Caps

Low power broadcasting alone is not enough to make sure that diversity is provided. Large corporations could easily buy up numerous low power stations to create a homogenous

broadcasting network that would be similar to today's radio broadcasting. Therefore, each direct or indirect owner of radio stations should be strictly limited to **one** station in each rural county or metropolitan area. This combination of rules changes would generate a large number of independently owned radio stations that would be open to new subjects and programming.

Broadcasting Only for the Big Boys

At some point, society is going to ask the question: why is broadcasting limited to just very large corporations? Why can't small community groups have broadcasting stations? Why can't I as an individual have my own broadcasting station? It was this type of question that led to the petitions for LPFM broadcasting. This new radio service was embraced by the Commission, but LPFM was excluded from most populated areas by an act of Congress.

Restructuring full-power broadcasting, as specified above, would establish a new balance where diverse community interests would have access to broadcasting.

However, this is not the only mechanism for increasing broadcasting diversity. For example, a new urban LPFM service could be established on newly allocated spectrum. This service would be greatly enhanced by having a strict **one-station-per-owner** cap. Without the ownership cap, the low power service would be quickly bought up and homogenized by the larger corporations.

Another very appealing option is the **Citizens' Broadcasting Band (CBB)** that would be established on a limited set of channels on newly allocated spectrum. In the CBB, any citizen could set up his or her own low power (10 Watt) broadcast station using an FCC certified (type approved) transmitter. Engineering studies would not be required. The

owners of these microstations would settle interference issues privately on their own in an informal manner. Here too, ownership would be capped at one station per individual.

All of these concepts are dependent on ownership caps to be successful. Without the caps, the small organizations and individuals would be swamped and over-run by the large organizations.

Ownership Caps and American Legitimacy

Caps on the ownership of radio stations (and other media) are required to protect the legitimacy of the American social system. We must have a broadcasting environment where individual citizens, local communities, minority parties, and civic action groups have free and full access to broadcasting. The current increasingly concentrated ownership of radio broadcasting has created a situation where almost all of these groups are shut out of broadcasting.

Respectfully submitted,

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